

SENATE BILL 4

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2003 Regular Session
(3lR0462)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by ~~Senator Greenip~~ Senators Greenip, Forehand, Garagiola, and
Giannetti

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **District Court - Small Claim Actions**

3 FOR the purpose of altering the minimum amount in controversy in civil cases over
4 which the District Court of Maryland and the circuit courts have concurrent
5 jurisdiction; altering the ~~maximum~~ amount of a small claim action in the
6 District Court; altering the amount in controversy in a civil action in the District
7 Court in which formal pleadings are prohibited; altering the minimum amount
8 in controversy in civil cases in which appeals from the District Court are
9 required to be heard on the record; ~~exempting from the Bar admission~~
10 ~~requirement certain members or employees of limited liability companies in~~
11 ~~certain small claim actions~~; providing for the application of this Act; and
12 generally relating to small claim actions in the District Court.

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 4-402(d)(1)(i), 4-405, 6-403, and 12-401(f)

1 Annotated Code of Maryland
2 (2002 Replacement Volume)

3 ~~BY repealing and reenacting, without amendments,~~
4 ~~Article Business Occupations and Professions~~
5 ~~Section 10-206(a)~~
6 ~~Annotated Code of Maryland~~
7 ~~(2000 Replacement Volume and 2002 Supplement)~~

8 ~~BY repealing and reenacting, with amendments,~~
9 ~~Article Business Occupations and Professions~~
10 ~~Section 10-206(b)~~
11 ~~Annotated Code of Maryland~~
12 ~~(2000 Replacement Volume and 2002 Supplement)~~

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Courts and Judicial Proceedings**

16 4-402.

17 (d) (1) (i) Except in a case under paragraph (2), (4), (5), or (6) of § 4-401 of
18 this subtitle, the plaintiff may elect to file suit in the District Court or in a trial court
19 of general jurisdiction, if the amount in controversy exceeds [\$2,500] \$5,000, exclusive
20 of prejudgment or postjudgment interest, costs, and attorney's fees if attorney's fees
21 are recoverable by law or contract.

22 4-405.

23 The District Court has exclusive jurisdiction over a small claim action, which,
24 for purposes of this section, means a civil action for money in which the amount
25 claimed does not exceed [\$2,500] \$5,000 exclusive of interest, costs, and attorney's
26 fees, if attorney's fees are recoverable by law or contract; and landlord tenant action
27 under §§ 8-401 and 8-402 of the Real Property Article of the Code, in which the
28 amount of rent claimed does not exceed [\$2,500] \$5,000 exclusive of interest and
29 costs.

30 6-403.

31 (a) In a civil action in the District Court, if the amount in controversy is
32 [\$1,000] \$2,500 or less, there shall be no formal pleadings.

33 (b) If the amount in controversy exceeds [\$1,000] \$2,500 the forms and
34 pleadings are as provided by Title 3, Chapter 300 of the Maryland Rules.

1 12-401.

2 (f) In a civil case in which the amount in controversy exceeds [\$2,500] \$5,000
 3 exclusive of interest, costs, and attorney's fees if attorney's fees are recoverable by law
 4 or contract, in any matter arising under § 4-401(7)(ii) of this article, and in any case
 5 in which the parties so agree, an appeal shall be heard on the record made in the
 6 District Court. In every other case, including a criminal case in which sentence has
 7 been imposed or suspended following a plea of nolo contendere or guilty, and an
 8 appeal in a municipal infraction or Code violation case, an appeal shall be tried de
 9 novo.

10 **Article—Business Occupations and Professions**

11 ~~10-206.~~

12 (a) Except as otherwise provided by law, before an individual may practice law
 13 in the State, the individual shall:

14 (1) ~~be admitted to the Bar; and~~

15 (2) ~~meet any requirement that the Court of Appeals may set by rule.~~

16 (b) This section does not apply to:

17 (1) a person while representing a landlord in a summary ejection
 18 proceeding in the District Court of Maryland;

19 (2) a person while representing a tenant in a summary ejection
 20 proceeding in the District Court of Maryland if the person is:

21 (i) a law student practicing in a clinical law program at a law
 22 school accredited by the American Bar Association with the in-court supervision of a
 23 faculty member; or

24 (ii) employed by a nonprofit organization receiving grants from the
 25 Maryland Legal Services Corporation and:

26 1. the person has training and experience;

27 2. the person is supervised by a lawyer; and

28 3. the supervising lawyer's appearance is entered in the
 29 proceeding;

30 (3) ~~an insurance company while defending an insured through staff~~
 31 ~~counsel;~~

32 (4) (i) ~~an officer of a corporation, an employee designated by an officer~~
 33 ~~of a corporation, a partner in a business operated as a partnership or an employee~~
 34 ~~designated by a partner, A MEMBER OF A LIMITED LIABILITY COMPANY OR AN~~

